

Senate Bill 534

By: Senator Shafer of the 48th

A BILL TO BE ENTITLED  
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide a short title; to provide for the determination by the Commissioner that the insurance market in this state is not functioning in a competitive manner; to provide for certain notice; to provide for certain filings regarding accident and sickness insurance following such notice; to require the Commissioner to approve certain filings and rate increases; to provide for applicability; to provide for rules and regulations concerning such filings; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Health Insurance Competition and Rate Relief Act of 2010."

**SECTION 2.**

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by designating the existing matter in Chapter 29, relating to individual accident and sickness insurance, as Article 1 and adding a new Article 2 to read as follows:

"ARTICLE 2

33-29-40.

(a) If the market for individual accident and sickness insurance in the State of Georgia is such that the combined market share of the total accident and sickness premium written in Georgia for any immediately preceding calendar year by the four largest insurers sums to 75 percent or more of the market, the Commissioner shall be authorized to make a determination that the market is not functioning in an efficient, competitive manner. If the Commissioner makes a determination that the market is not functioning in a competitive

manner, he or she shall notify all insurers operating in the individual health insurance market in this state of the requirements of this article relating to the filing and review of individual accident and sickness premium rates for certain lines of business.

(b) Upon the Commissioner making a determination that the market is not functioning in a competitive manner and giving the notice as provided in subsection (a) of this Code section, every initial filing of an individual, guaranteed renewable comprehensive accident and sickness policy by insurers authorized to transact individual accident and sickness insurance under any chapter of this title shall be accompanied by a rate filing, with supporting actuarial certification and demonstration by a qualified actuary. Any subsequent addition to or change in rates applicable to the policy, rider, or endorsement shall also be required to be filed with the Commissioner for prior approval of any increase in premium rate. As used in this Code section, the term 'comprehensive' means coverage that qualifies as creditable coverage under the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, because it is not of limited benefit or limited duration, is not for specified disease, is not for long-term care, and is not a medicare supplement.

(c) The provisions of this Code section are not intended and shall not be construed to operate to change any other existing law or related rule or regulation of the department affecting specific types of coverage described elsewhere in this title, including, but not necessarily limited to, health maintenance organization coverage under Chapter 21 of this title, long-term care coverage under Chapter 42 of this title, medicare supplement coverage under Chapter 43 of this title, credit accident and sickness coverage under Chapter 31 of this title, and enhanced conversion under Code Section 33-24-21.1.

33-29-41.

After providing the required notice and public hearing under Chapter 2 of this title, the Commissioner shall be authorized to promulgate and administer rules and regulations to implement the provisions of this article. Such rules and regulations shall:

(1) Establish clear standards and relevant applicability among specific individual accident and sickness product lines;

(2) Establish practical filing guidelines and required formats for insurers to submit filings of proposed initial and renewal premium rates in compliance with this article; and

(3) Establish limits, as appropriate in the opinion of the Commissioner after public hearing, on the maximum year-to-year percentage increase in premiums which may be imposed on Georgia individual accident and sickness policyholders for applicable product lines."

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**SECTION 3.**

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All laws and parts of laws in conflict with this Act are repealed.